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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/631,941	07/30/2003	Yi Ding	M-15171 US	1763	
32605 7590 01/31/2007 MACPHERSON KWOK CHEN & HEID LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110			EXAMINER		
			LINDSAY JR, WALTER LEE		
			ART UNIT	PAPER NUMBER	
·				2812	
			MAIL DATE	DELIVERY MODE	
			01/31/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(a)			
Cumplemental	Application No.	Applicant(s)			
Supplemental	10/631,941	DING, YI			
Notice of Allowability	Examiner	Art Unit			
	Walter L. Lindsay, Jr.	2812			
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication GHTS. This application is subject to	olication. If not included will be mailed in due course. THIS			
1. This communication is responsive to <u>a request to remove a</u>	an Election restriction.				
2. The allowed claim(s) is/are <u>1-27</u> .					
 3. Acknowledgment is made of a claim for foreign priority under a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 					
2. Certified copies of the priority documents have been received in Application No					
 Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). 					
* Certified copies not received:					
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.					
4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.					
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.					
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached					
1) hereto or 2) to Paper No./Mail Date					
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date					
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).					
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.					
Attachment(s)		•			
1. Notice of References Cited (PTO-892)	5. Notice of Informal P	atent Application			
2. \square Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary				
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date	Paper No./Mail Dat 7. ☐ Examiner's Amendn	nent/Comment			
4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. X Examiner's Stateme	nt of Reasons for Allowanee			
	9.	Walter L. Lindsay, Jr. Primary Examiner Art Unit: 2812			

U.S. Patent and Trademark Office PTOL-37 (Rev. 08-06) Application/Control Number: 10/631,941

Art Unit: 2812

DETAILED ACTION

Election/Restrictions

1. Claims 1-27 are allowable. The restriction requirement of subcombination-combination, as set forth in the Office action mailed on 3/22/2005, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim. Claims 11-27, directed to a subcombination are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

2. Claims 1-27 are allowed.

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3. The following is an examiner's statement of reasons for allowance: the prior art, either singly or in combination fails to anticipate or render obvious, the limitations of:

- ... (1) forming a first conductive gate for a nonvolatile memory cell;
- (2) after the operation (1), forming conductive floating gates FG1 and FG2 for the memory cell, as required by claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter L. Lindsay, Jr. whose telephone number is (571) 272-1674. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter L. Lindsay, Jr. Primary Examiner Art Unit 2812

April 12, 2006